



MEMO ENDORSED

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October 2, 2007 **LEAD CASE**
04 CIV 7922 (KMK)
(JCF)

BY FAX

The Honorable James C. Francis IV
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street - Room 1960
New York, New York 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>10/5/07</u>
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Re: *Biddle, et al. v. City of New York, et al., 05 Civ. 1570 (KMK) (JCF)*
Bothol, et al., v. City of New York, et al., 05 Civ. 1572 (KMK)(JCF)
Bunim, et al. v. City of New York, et al., 05 Civ. 1562 (KMK) (JCF)
Crotty, et al., v. City of New York, et al. 05 Civ. 7577 (KMK)(JCF)
Garbini, et al., v. City of New York, et al., 05 Civ. 1565 (KMK)(JCF)
Greenwald, et al. v. City of New York, et al., 05 Civ. 1566 (KMK)(JCF)
Kalra, et al., v. City of New York, et al., 05 Civ. 1563 (KMK)(JCF)
Moran, et al., v. City of New York, et al., 05 Civ. 1571 (KMK)(JCF)
Pickett, et al. v. City of New York, et al., 05 Civ. 1567 (KMK) (JCF)
Ryan, et al. v. City of New York, et al., 05 Civ. 1564 (KMK) (JCF)
Stark, et al., v. City of New York, et al., 05 Civ. 7579 (KMK)(JCF)
Tremayne, et al., v. City of New York, et al., 05 Civ. 1568 (KMK)(JCF)

DOCKET
IN ALL
CASES

Dear Judge Francis:

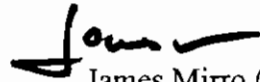
I write in response to Rose Weber's letter of September 20, 2007 and in further support of defendants' application of September 20, 2007.

In their letter, plaintiffs concede that at least 25 of them have failed to comply with the Court's Order of August 24, 2007. In their September 16, 2007 email attached to that letter, plaintiffs conceded that at least 40 of them would fail to comply with the Court's Order. Defendants submit that the number is far higher as set forth in defendants' letter. In any event, the Court's Order set a firm deadline of September 17, 2007 by which all plaintiffs in these actions were to have served "complete discovery responses" upon defendants. Over the past three years, plaintiffs have been granted every courtesy and extension possible. At this juncture,

as we have said in our September 20 letter, defendants have been, and continue to be, severely prejudiced by plaintiffs' repeated defaults.

Accordingly, for all of the reasons set forth in defendants' application of September 20, 2007, defendants respectfully submit that the Court should enter an order dismissing the actions of those plaintiffs who have failed to comply with the Court's Order. Defendants shall submit a definitive listing of individuals who have failed to comply with that Order within 10 days of the Court's order on this application. ||

Respectfully submitted,



James Mirro (JM 4895)
Raju Sundaran (RS 8011)

cc: Rose M. Weber, Esq.

10/5/07

I will consider the motion
upon submission of the
"definitive listing."

SO ORDERED.

James C. Francis IV
JCMJ